

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GABRIEL CONTRERAS,

Plaintiff,

v.

FERNANDO TUVERA, et al.,

Defendants.

No. C 15-05510 EJD (PR)

**ORDER DIRECTING PLAINTIFF TO
PROVIDE COURT WITH MORE
INFORMATION FOR UNSERVED
DEFENDANT**

Plaintiff, a state prisoner currently incarcerated at Salinas Valley State Prison (“SVSP”) in Soledad, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 against SVSP officials. On March 10, 2016, the Court issued an order of service upon SVSP Defendants. (Docket No. 6.) On March 30, 2016, Litigation Coordinator G. Lopez sent a letter to the Court indicating that Defendant Nurse H. Hanter had resigned on June 2, 2015. (Docket No. 27.) Accordingly, this Defendant has not been served.

Although a plaintiff who is incarcerated and proceeding in forma pauperis may rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge.” Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff

1 has not provided sufficient information to allow the Marshal to locate and serve
2 Defendant Nurse H. Hanter and therefore Plaintiff must remedy the situation or face
3 dismissal of his claims against this defendant without prejudice. See Walker v. Sumner,
4 14 F.3d 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause why prison
5 official should not be dismissed under Rule 4(m) where prisoner failed to show he had
6 provided Marshal with sufficient information to effectuate service).

7 Accordingly, Plaintiff must file a notice providing the Court with an accurate and
8 current address for **Defendant Nurse H. Hanter** such that the Marshal is able to effect
9 service. If Plaintiff fails to provide the Court with the information requested **within**
10 **thirty (30) days** of the date this order is filed, Plaintiff's claims against this Defendant
11 will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil
12 Procedure.

13 **IT IS SO ORDERED.**

14 DATED: 4/7/2016


EDWARD J. DAVILA
United States District Judge